



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

April 20, 2012

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From: William T Fujioka  
Chief Executive Officer

## **SACRAMENTO UPDATE**

This memorandum contains a pursuit of County position on legislation related to the California Workforce Investment Board; a status update on County-advocacy legislation related to: 1) establishment of an international medical graduate pilot program; 2) restrictions on the sale of electrolyte replacement beverages in middle and high schools; 3) electronic filing of the Statement of Economic Interests; 4) responsibility and liability for sidewalk repairs; and 5) expenditure of tax allocation bonds; and information on legislation of County interest related to foster care and allocation of Vehicle License Fee revenues.

### **Pursuit of County Position on Legislation**

**AB 2214 (Monning)**, which as amended March 27, 2012, would require the California Workforce Investment Board to establish the Health Workforce Development Council.

Existing law establishes the California Workforce Investment Board (CWIB) within the Labor and Workforce Development Agency to assist in the development, oversight, and improvement of California's workforce investment system. AB 2214 would require the CWIB to establish a special committee known as the Health Workforce Development Council (Council) to develop a statewide plan and strategies to increase the health care workforce. The Council would consist of members from the CWIB, and representatives from other State agencies and departments, higher education, labor, the health care industry, philanthropic and nongovernmental entities, and other health care advocates.

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The author of AB 2214 indicates that the implementation of Federal Health Care Reform will require an adequate workforce to meet the health care needs of Californians, especially in primary care. This measure is intended to establish a body that will develop a plan and strategies to expand this workforce.

According to the Department of Health Services, there is a shortage of primary care physicians in the County and throughout the State. AB 2214 would help to increase the number of healthcare professionals available to provide needed health care services to the residents of the County.

The Department of Health Services and this office support AB 2214. Therefore, consistent with existing Board policy to support proposals to expand workforce development funding and training programs for nursing and other allied health professionals, **the Sacramento advocates will support AB 2214.**

AB 2214 is supported by the American Cancer Society, the California Hospital Association, the California Pan-Ethnic Health Network, the California Psychological Association, and the California Society of Health-System Pharmacists. There is no opposition on file.

AB 2214 passed the Assembly Health Committee by a vote of 13 to 4 on April 18, 2012. This measure is awaiting a hearing in the Assembly Appropriations Committee.

#### **Status of County-Advocacy Legislation**

**County-supported AB 1533 (Mitchell)**, which as amended on March 21, 2012, would establish the five-year University of California, Los Angeles (UCLA) International Medical Graduate Pilot Program to authorize graduates from foreign medical schools to receive up to 24 weeks of clinical instruction and provide hands-on patient care at UCLA-operated health care facilities and teaching sites, passed the Assembly Appropriations Committee by a vote of 17 to 0 on April 18, 2012. This measure now moves to the Assembly Floor.

**County-supported AB 1746 (Williams)**, which as introduced on February 17, 2012, would restrict the sale of electrolyte replacement beverages to students in middle schools and high schools to one-half hour before the start of the school day and one-half hour after the end of the school day, was placed on the Assembly Appropriations Committee suspense file on April 18, 2012.

**County-supported AB 2062 (Davis)**, which as introduced on February 23, 2012, would permit filers of the Statement of Economic Interests to submit the statements electronically, passed the Assembly Elections and Redistricting Committee with amendments by a vote of 7 to 0 on April 17, 2012. The bill now proceeds to the Assembly Appropriations Committee.

**County-opposed AB 2231 (Fuentes)**, which as introduced on February 24, 2012, would require a city, county, or city and county to repair any sidewalk out of repair or pending reconstruction, if that sidewalk is owned by the local entity, or if the repairs are required as a result of damage caused by plants or trees. This measure also provides that if the local entity fails to carry out the repairs, the local entity shall be liable for any injury resulting from the failure to repair. AB 2231 passed the Assembly Committee on Local Government by a vote of 7 to 0 on April 18, 2012, and it now proceeds to the Assembly Committee on Judiciary.

**County-opposed SB 986 (Dutton)**, which as amended on April 11, 2012, would make changes to ABX1 26 (Chapter 5, Statutes of 2011) to allow successor agencies to keep bond proceeds of former redevelopment agencies and enter into new enforceable obligations funded by bond proceeds, passed the Senate Governance and Finance Committee by a vote of 8 to 0 on April 18, 2012. The bill contains an urgency clause making it effective immediately, if passed by a two-thirds vote of the Legislature and signed by the Governor.

SB 986 is supported by the California Redevelopment Association, League of California Cities, and California Contract Cities Association; the cities of Bellflower, Cerritos, La Mirada, Lakewood, Lawndale, Norwalk, Pomona, Rosemead, Simi Valley, South El Monte, Thousand Oaks, and Whittier, among others; and the counties of San Bernardino and Riverside. It is opposed by the County of Santa Clara and California Alliance to Protect Property Rights. This measure is now awaiting a hearing in Senate Appropriations Committee.

### **Legislation of County Interest**

**AB 1712 (Beall)**, which as amended on March 21, 2012, includes provisions to: 1) transfer the approval of Transitional Housing Placement (THP) Plus Foster Care providers, serving non-minor dependents (NMDs), from counties to the California Department of Social Services (CDSS) and add THP-Plus Foster Care as a State licensing category; 2) clarify issues concerning county of residence and inter-county transfers for NMDs; 3) clarify the effect on reunification plans when a minor becomes a NMD; 4) clarify eligibility and contingencies for Adoption Assistance Payments for NMDs who are adopted as adults; 5) clarify NMDs' access to services, including

reunification services; 6) clarify Kin-GAP and Adoption Assistance Program payments for non-minor former dependents; and 7) among other provisions.

As previously reported, AB 1712 is the vehicle for clean-up legislation to **County-support-in-concept AB 12** (Chapter 559, Statutes of 2010) and AB 212 (Chapter 459, Statutes of 2011), which extended Foster Care and Kinship Guardian Assistance Program benefits to eligible youth up to 21 years of age, as provided in H.R. 6893, the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

According to the Department of Children and Family Services (DCFS), the amendment under AB 1712 to transfer the approval of THP-Plus Foster Care providers serving NMD's, from counties to CDSS would no longer require DCFS to approve THP-Plus foster care homes, as it currently does, and would allow youth under DCFS supervision to be placed in THP-Plus homes in other counties without the County having to duplicate the approval process. Returning the licensing function of THP-Plus to the State instead of maintaining it at the county level would provide a single standard of approval rather than counties establishing 58 different standards. DCFS also notes, however, that there may be potential delays in licensing these homes while the State adopts new provisions and regulations for this placement type.

AB 1712 also would clarify issues concerning county of residence and inter-county transfers for NMDs. Specifically, if a NMD has lived in a Planned Permanent Living Arrangement in a county for one year and expresses a desire to live in that county, the county is deemed to be the county of residence. DCFS indicates that youth moving out of Los Angeles County will be offset by youth moving into the County. Social workers would also be required to make visits to NMDs in other counties for the one year period.

The measure would allow family reunification services to continue for a NMD who is 18 years of age during the specific time period until the next six month review hearing. This is contingent upon all parties being in agreement that family reunification is in the best interest of the NMD and there is substantial probability that the NMD will be returned home prior to the next six month review hearing. According to County Counsel, the calendaring of the necessary review hearings and agreement of all parties lacks clarity as written under AB 1712. This is an issue that the co-sponsors of the bill have expressed a willingness to accept alternative language to clarify.

The Department of Children and Family Services indicates that the amendment to clarify eligibility and contingencies for Adoption Assistance Payments for NMDs who are adopted as adults is anticipated to have a minimal impact to the County. Specifically, AB 1712 would provide that at the request of the NMD who has an established

relationship with an adult determined to be the NMD's permanent connection, the court may order adoption as the NMD's permanent plan.

Additionally, AB 1712 would provide the inclusion of a copy of the current health and education summary in the court report or case plan only if and when the NMD consents in writing to its inclusion. According to DCFS, the caregiver of a NMD is not responsible for obtaining and maintaining the NMD's health and education information, but may assist the NMD with any recordkeeping that the NMD requests of the caregiver. In addition, multidisciplinary personnel teams must also have written consent to access records of the NMD. Caregivers are allowed to attend all hearings and submit written information to the court. These provisions are included to ensure that State law comports with Federal Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) statutes as NMDs are adults and entitled to have their health and educational records remain private. DCFS indicates there may be some delays for social workers and others servicing the cases to secure NMDs consent for release of records.

AB 1712 also includes an amendment that would make Kin-GAP and Adoption Assistance Program payments for non-minor former dependents between 20 and 21 years of age contingent upon appropriations by the Legislature. This office is working with DCFS to determine the impact of this amendment on the County. **Furthermore, this office will continue to report to the Board the outcome of discussions with DCFS and County Counsel on the potential programmatic and fiscal impact of AB 1712 to the County.**

This measure is sponsored by the California Alliance of Child and Family Services; California Youth Connection; Children's Law Center of Los Angeles; County Welfare Directors Association of California; John Burton Foundation; Judicial Council of California; SEIU State Council; The Alliance for Children's Rights; Youth Law Center; among others. There is no registered opposition to the bill at this time.

AB 1712 is scheduled for a hearing in the Assembly Human Services Committee on April 24, 2012.

**SB 1566 (Negrete McLeod and Emmerson)**, which as amended on April 10, 2012, would restore a specified allocation of Vehicle License Fee (VLF) revenues redirected from newly incorporated cities to fund a portion of the 2011 Public Safety Realignment. The bill also cites legislative intent that VLF revenues be available for communities considering incorporation in the future, including the unincorporated community of East Los Angeles.

The FY 2011-12 State Budget Act provided \$5.5 billion to fund the 2011 Public Safety Realignment by redirecting 1.06 percent of the existing State sales tax (\$5.1 billion), and a portion of VLF revenues (\$453.0 million) from the State to counties. Specifically, SB 89 (Chapter 35, Statutes of 2011) shifted a portion of the 0.65 percent of VLF revenue allocations specified for certain cities and Orange County to the 2011 Public Safety Realignment. This shift disproportionately affected several newly incorporated cities and cities that recently annexed inhabited areas that would have been able to access increased VLF allocations under AB 1602 (Chapter 556, Statutes of 2006).

As previously reported, SB 1566 would require the State Controller on and after July 1, 2012, to allocate the balance of all motor vehicle license fees and other monies in the Motor Vehicle License Fee Account first to cities incorporated from an unincorporated territory after August 5, 2004, pursuant to a specified formula, and second to cities incorporated before August 5, 2004, which annexed new inhabited areas after that date also based on a specified formula. Under SB 1566, the specified VLF allocation formulas would be available indefinitely to future newly incorporated cities and cities that annex inhabited areas. SB 1566 also would repeal the Department of Motor Vehicles' (DMV) \$25.0 million administrative budget for VLF registration fee collection and allows the Legislature to annually appropriate an amount for the DMV to collect vehicle registration and other fees.

According to the analysis by the Senate Governance and Finance Committee, SB 1566 would have no immediate direct fiscal impact on counties and no net fiscal effect on the State. SB 1566 would restore, beginning July 1, 2012, an estimated \$18.0 million in VLF allocations to four newly incorporated cities and two recently annexed areas affected by the redirection of VLF funding offset by the elimination of the DMV administrative budget.

The Committee's analysis and opponents of the bill note, however, that the restoration of the VLF funding to newly incorporated cities could potentially interfere with future appropriations to counties for the 2011 Public Safety Realignment. If the allocation under SB 1566 exceeds the amount that would have been allocated under the DMV administrative budget, it would reduce the total amount of VLF revenue available for the realignment allocation to counties. In addition, as SB 1566 provides the increased VLF funding to any cities that incorporate or annex areas on an ongoing basis, the total amount of future allocations from VLF revenue for this purpose is unknown and could ultimately affect the 2011 Public Safety Realignment funding amount.

While this office has concerns regarding the potential impact of SB 1566 on funding available for the 2011 Public Safety Realignment, the California State Association of Counties indicates that the author has expressed willingness to work with stakeholders

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to address concerns with the bill, including the threat of VLF revenue reductions for the realigned programs. This office will continue to closely monitor SB 1566.

SB 1566 is co-sponsored by the Cities of Fontana, Menifee, Eastvale, Wildomar and Jurupa Valley and is supported by the California Professional Firefighters; California Association of Local Agency Formation Commissions; Cities of Madera, San Ramon, Vista, and Visalia and the Town of Los Altos Hills; Riverside County Sheriff; Riverside Sheriff's Association; Southwest California Legislative Council; and Southwest Riverside County Association of Realtors. The bill is opposed by the California State Association of Counties.

SB 1566 passed the Senate Governance and Finance Committee by a vote of 9 to 0 on April 18, 2012. The bill now proceeds to the Senate Transportation and Housing Committee.

We will continue to keep you advised.

WTF:RA  
MR:KA:IGEA:sb

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
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